



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
July 7, 2003**

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16-03

SBE:sbe

The meeting was called to order at 9:55 a.m., with all Members being present, and with Chairman Hanley presiding.

Others present were Anthony H. Griffin, County Executive; David P. Bobzien, County Attorney; Catherine A. Chianese, Assistant to the County Executive; Christina M. Manning, Assistant to the County Executive; Nancy Vehrs, Clerk to the Board of Supervisors; and Patti M. Hicks, Deputy Clerk to the Board of Supervisors.

BOARD MATTERS

1. **MOMENT OF SILENCE** (Tape 1)

Chairman Hanley asked everyone to continue to keep in thoughts those who defend the country at home and around the world and the families that support them.

Supervisor Frey asked everyone to keep in thoughts and prayers the family of Mr. Thomas N. Abbonizio who recently died. Mr. Abbonizio was very active in the early planning and development of the Westfield Corporate Park and Union Mill Elementary School where his children were students.

2. **WELCOME TO BOY SCOUT TROOP 1511** (Tape 1)

Supervisor McConnell recognized the presence of members of Boy Scout Troop 1511 from Springfield, who are working on their Citizenship Badges, and she warmly welcomed them and Troop Leader Kevin R. Riedler, to the Board Auditorium.

3. **DEATH OF DR. WASENA "BUDDY" F. WRIGHT, JR.** (Tape 1)

Supervisor Bulova asked everyone to keep in thoughts and prayers the family of Dr. Wasena "Buddy" F. Wright, Jr., who died several days ago. Dr. Wright was the pastor from 1989 to 2000 at Annandale United Methodist Church. He was very active in Annandale and was the Annandale Citizen of the Year last year before he transferred to Richmond.

AGENDA ITEMS

4. **RESOLUTION OF RECOGNITION PRESENTED TO FREDDIE MAC FOUNDATION** (Tape 1)

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved approval of the Resolution of Recognition presented to the Freddie Mac Foundation for commitment and support of the Healthy Families programs. Supervisor Connolly seconded the motion and it carried by unanimous vote.

5. **PROCLAMATION DECLARING JULY 2003 AS "PARKS AND RECREATION MONTH" IN FAIRFAX COUNTY** (Tape 1)

Chairman Hanley moved approval of the Proclamation to declare July 2003 as "*Parks and Recreation Month*" in Fairfax County. Supervisor Gross and Supervisor Hudgins jointly seconded the motion and it carried by unanimous vote.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

6. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. TRUDY BRISENDINE** (No Tape)

(NOTE: The presentation of this certificate was deferred.)

7. **CERTIFICATE OF RECOGNITION PRESENTED TO MR. ROBERT BOXER** (Tape 1)

Supervisor Hyland moved approval of the Certificate of Recognition presented to Mr. Robert Boxer for his years of service to Fairfax County. Supervisor Gross and Supervisor Kauffman jointly seconded the motion and it carried by unanimous vote.

8. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. INGE PISANO** (Tape 1)

Supervisor Connolly moved approval of the Certificate of Recognition presented to Ms. Inge Pisano for being named Fairfax County Public Schools Teacher of the Year. Supervisor Gross seconded the motion and it carried by unanimous vote.

ADDITIONAL BOARD MATTERS

9. **WELCOME TO STEPHANIE LYNCH, INTERN IN SUPERVISOR GROSS' OFFICE** (Tape 1)

Supervisor Gross introduced Ms. Stephanie Lynch, a senior at Jeb Stuart High School, who is with the Fairfax County Young Leadership Program and a new intern in Supervisor Gross' Office. Supervisor Gross warmly welcomed her to the Board Auditorium on her first day of internship.

10. **WELCOME TO MICHAEL AHO, NEW STAFF PERSON IN SUPERVISOR KAUFFMAN'S OFFICE** (Tape 1)

Supervisor Kauffman introduced Mr. Michael Aho, a new addition to his staff. Mr. Aho is a student at George Mason University. Supervisor Kauffman warmly welcomed him to the Board Auditorium.

DS:ds

11. **RED FOLDERS** (Tape 2)

Chairman Hanley called the Board Members' attention to their red folders and noted that they contained a brochure from the Army Historical Foundation and a revised Information Item I-9, among other things.

AGENDA ITEMS

12. **10 A.M. – PRESENTATION BY THE ARMY HISTORICAL FOUNDATION AND THE CENTER FOR MILITARY HISTORY ON THE STATUS OF THE NATIONAL MUSEUM OF THE US ARMY** (Tape 2)

Supervisor Hyland recognized the presence of Don Carr, Director of Public Affairs at Fort Belvoir, and warmly welcomed him to the Board Auditorium.

Judson E. Bennett, Jr., Director of Army Museums, US Army Center of Military, and History and Project Director, National Museum of the US Army, gave a presentation on the status of the National Museum of the US Army.

Brigadier General Creighton W. Abrams, Jr., USA (Retired) Executive Director, Army Historical Foundation gave a presentation regarding its fundraising initiatives.

A brief discussion ensued.

13. **10:15 A.M. – APPOINTMENTS TO THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD** (Tape 2)

(APPTS)
(BACs)

Chairman Hanley announced her intent to nominate Ms. Diane Engster as the At-Large #1 Chairman's Representative for appointment to the Fairfax-Falls Church Community Services Board at the next Board meeting scheduled for July 21, 2003.

Supervisor Bulova moved the reappointment of Ms. Jessica S. Burmester as the Braddock District Representative to the Fairfax-Falls Church Community Services Board. Chairman Hanley seconded the motion, which carried by unanimous vote.

Supervisor Hudgins moved the reappointment of Ms. Anngienetta Johnson as the Hunter Mill District Representative to the Fairfax-Falls Church Community Services Board. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor Kauffman moved the reappointment of Mr. Benjamin F. Pepper as the Lee District Representative to the Fairfax-Falls Church Community Services Board. Supervisor Hyland seconded the motion, which carried by unanimous vote.

DMB:dmb

14. **ADMINISTRATIVE ITEMS** (Tape 3)

Supervisor Connolly moved approval of the Administrative Items. Supervisor Bulova seconded the motion.

Chairman Hanley called the Board's attention to Admin 13 – Authorization for the Health Department to Apply to the Department of Health and Human Services for a Medical Reserve Corps Demonstration Project and discussion ensued.

Supervisor Connolly called the Board's attention to Admin 6 – Authorization for the Fairfax County Police Department to Apply to the Virginia Department of State Police for a Help Eliminate Auto Theft Program Grant and discussion ensued.

Supervisor Mendelsohn called the Board's attention to Admin 17 – Authorization to Advertise a Public Hearing on Proposed Amendments to the Code of the County of Fairfax, Chapter 104 (Erosion and Sedimentation Control), Regarding Revisions to the Virginia Erosion and Sediment Control Law (§10.1-560 Et Seq. of the Code of Virginia) and discussion ensued with input from John Friedman, Engineer III, Code Analysis Division, Office of Site Development Services, Department of Public Works and Environmental Services.

The question was called on the motion and it carried by unanimous vote, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE."

ADMIN 1 – APPROVAL OF SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 04012 FOR THE HEALTH DEPARTMENT'S ANONYMOUS HIV TESTING SITE GRANT

- (SAR) Approved SAR AS 04012 in the amount of \$18,000 for the Fiscal Year 2004 Anonymous HIV Testing Site Grant from the Virginia Department of Health. No local cash match is required.

ADMIN 2 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 00-P-026, CAPITAL HOSPITALITY GROUP (PROVIDENCE DISTRICT)

- (AT) Approved 24 months of additional time to commence construction for Special Exception Application SE 00-P-026, to May 20, 2005, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 3 – AUTHORIZATION FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) TO APPLY TO THE VIRGINIA DEPARTMENT OF CRIMINAL JUSTICE SERVICES (DCJS) FOR A ONE-TIME SPECIAL REQUEST FUND GRANT TO ACQUIRE COMPUTER EQUIPMENT IN SUPPORT OF THE DEPARTMENT'S CITIZEN REPORTING SYSTEM

Approved FCPD's application to DCJS for a One-Time Special Request Fund grant in the amount of \$3,561 for the acquisition of computer equipment to expand FCPD's Citizen Reporting System. A 25 percent local cash match of \$1,187 is required, for a total of \$4,748.

ADMIN 4 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 00-D-036, WALKER ROAD ASSOCIATES, LLC (DRANESVILLE DISTRICT)

- (AT) Approved 12 months of additional time to commence construction for Special Exception Application SE 00-D-036, to July 8, 2004, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 5 – STREETS INTO THE SECONDARY SYSTEM (DRANESVILLE AND SULLY DISTRICTS)

- (R) Approved the request that the streets listed below be accepted into the State Secondary System:

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Tralee Estates, Section 2	Dranesville	Old Holly Road Route 8652 Tralee Drive Route 8755 Old Holly Drive Route 7952
Compton Ridge	Sully	General Lee Drive Route 8357 Colonel Taylor Lane Richard Simpson Lane

ADMIN 6 – AUTHORIZATION FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) TO APPLY TO THE VIRGINIA DEPARTMENT OF STATE POLICE FOR A HELP ELIMINATE AUTO THEFT PROGRAM GRANT

(NOTE: Earlier in the meeting, there was discussion of this item. See page 4.)

Approved FCPD's application to the Virginia State Police for a grant in the amount of \$9,804 for the acquisition of equipment to outfit five "bait cars" for the purpose of apprehending automobile thieves. No local cash match is required.

ADMIN 7 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 04011 FOR THE DEPARTMENT OF FAMILY SERVICES (DFS) TO ACCEPT GRANT FUNDS FROM THE VIRGINIA DEPARTMENT OF SOCIAL SERVICES TO CONTINUE VIRGINIA INSTITUTE FOR SOCIAL SERVICES TRAINING ACTIVITIES TRAINING FOR HUMAN SERVICES STAFF AND LICENSED AND NON-LICENSED DAY CARE PROVIDERS

(SAR) Approved SAR AS 04011 in the amount of \$322,372 for DFS to provide a wide range of skill training to DFS staff, line workers serving on Comprehensive Services Act teams, and staff in licensed and non-licensed day care homes and facilities. No local cash match is required.

ADMIN 8 – INSTALLATION OF "NO PARKING" SIGNS ON FLEET DRIVE (WEST SIDE) FROM FRANCONIA ROAD TO BEULAH STREET (LEE DISTRICT)

- (R)
- Adopted the Resolution endorsing the installation of "No Parking" signs along Fleet Drive, west side, from Franconia Road to Beulah Street.
 - Directed staff to install these signs at the earliest possible date.

ADMIN 9 – EXTENSION OF REVIEW PERIODS FOR PUBLIC FACILITY 2232 REVIEW APPLICATIONS (DRANESVILLE, LEE, MOUNT VERNON, PROVIDENCE, AND SULLY DISTRICTS)

Authorized the extension of review periods for the following Public Facility (2232) Review Applications to the dates noted:

- Application 2232-V03-8 to September 11, 2003
- Application FS-Y03-10 to October 20, 2003
- Application FS-L03-11 to October 20, 2003
- Application FS-P03-12 to October 20, 2003
- Application 2232-D03-9 to December 8, 2003

ADMIN 10 – INSTALLATION OF “NO PARKING” SIGNS ON STRYKER AVENUE, EAST SIDE, FROM GARRETT STREET TO THE SOUTH PROPERTY LINE AT 2301 STRYKER AVENUE (HUNTER MILL DISTRICT)

- (R)
- Adopted the Resolution endorsing the installation of "No Parking" signs along the east side of Stryker Avenue from Garrett Street to the south property line of 2301 Stryker Avenue.
 - Directed staff to install these signs at the earliest possible date.

ADMIN 11 – RESOLUTION TO INSTALL "WATCH FOR CHILDREN" SIGNS (PROVIDENCE AND SPRINGFIELD DISTRICTS)

- (R)
- Adopted the Resolution endorsing the installation of a "Watch for Children" signs as part of the Fairfax County Department of Transportation's Residential Traffic Administration Program at the following locations:
- Glencroft Road at Oakton Glen Drive (Providence District)
 - Oakcroft Way at Cody Road (Providence District)
 - Parakeet Drive (Springfield District)

**ADMIN 12 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR)
AS 04015 FOR THE FAIRFAX COUNTY GENERAL DISTRICT COURT
(GDC) TO ACCEPT COMPREHENSIVE COMMUNITY CORRECTIONS
ACT GRANT FUNDING FROM THE VIRGINIA DEPARTMENT OF
CRIMINAL JUSTICE SERVICES (DCJS)**

(SAR) Approved SAR AS 04015 in the amount of \$522,759 from DCJS to allow the GDC to continue pretrial and post-trial supervision of defendants and offenders in the community during Fiscal Year 2003. No local cash match is required.

**ADMIN 13 – AUTHORIZATION FOR THE HEALTH DEPARTMENT TO
APPLY TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES
(HHS) FOR A MEDICAL RESERVE CORPS (MRC) DEMONSTRATION
PROJECT**

(NOTE: Earlier in the meeting, there was discussion of this item. See page 4.)

Authorized the Health Department's submission of an application to HHS for an MRC Demonstration Project in the amount of \$47,000. No local cash match is required.

**ADMIN 14 – AUTHORIZATION FOR THE DEPARTMENT OF
HOUSING AND COMMUNITY DEVELOPMENT (HCD) AND THE
DEPARTMENT OF FAMILY SERVICES (DFS) TO SUBMIT GRANT
APPLICATIONS TO THE US DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT (HUD) FOR FUNDING THROUGH THE
CONTINUUM OF CARE HOMELESS ASSISTANCE PROGRAM, AND
AUTHORIZATION FOR MULTIPLE CONSOLIDATED PLAN
CERTIFICATIONS**

- Authorized HCD, in partnership with Pathways Homes, to submit the following:
 - One new Shelter Plus Care grant application for \$708,480. No local cash match is required.
 - Two renewal Shelter Plus Care grant applications totaling \$275,664. No local cash match is required.
- Authorized DFS to submit two renewal applications totaling \$864,986 in HUD funds for two existing housing programs for homeless families with children. A local cash match of \$500,807 and \$53,585 in private funds from the non-profit partners is required for these applications, for a combined grant total of \$1,419,378.

- Endorsed ten renewal grant applications by non-profit organizations through the Continuum of Care Homeless Assistance Program, and authorized by the McKinney-Vento Act, for a total amount of \$1,535,490 in HUD funds. No local cash match is required for these applications; however:
 - One application by Christian Relief Services in the amount of \$216,781 in HUD funds and one application by Psychiatric Rehabilitation Services in the amount of \$168,450 in HUD funds require a combined cash match of \$127,827 for a one-year period. This match will be supported with private funds and State pass-through funds to the CSB.
 - The remaining eight applications totaling \$1,150,259 in HUD funds require a private match of \$363,174 and will be committed by the applicants to support these applications.

ADMIN 15 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSAL TO ABANDON A SEGMENT OF SERVICE DRIVE ALONG COLUMBIA PIKE (MASON DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **August 4, 2003, at 3:30 p.m.** to consider the abandonment of a segment of service drive along Columbia Pike.

ADMIN 16 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSAL TO VACATE PINE STREET AND A 12-FOOT WIDE ALLEY (MASON DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **August 4, 2003, at 3:30 p.m.** to consider the vacation of Pine Street and a 12-foot wide alley.

ADMIN 17 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 104 (EROSION AND SEDIMENTATION CONTROL), REGARDING REVISIONS TO THE VIRGINIA EROSION AND SEDIMENT CONTROL LAW (§10.1-560 ET SEQ. OF THE CODE OF VIRGINIA)

- (A) (NOTE: Earlier in the meeting, there was discussion of this item. See page 4.)

Authorized the advertisement of a public hearing to be held before the Board on August 4, 2003, to consider proposed amendments to the Code of the County of Fairfax, Chapter 104 (Erosion and Sedimentation Control), regarding revisions to

the Virginia Erosion and Sediment Control Law (§10.1-560 et seq. of the *Code of Virginia*).

ADMIN 18 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 04013 FOR THE DEPARTMENT OF FAMILY SERVICES (DFS) TO ACCEPT GRANT FUNDS FROM THE VIRGINIA STATE DEPARTMENT OF CORRECTIONS’ VIRGINIA SERIOUS AND VIOLENT OFFENDER RE-ENTRY INITIATIVE: “GOING HOME TO STAY” GRANT ON BEHALF OF THE NORTHERN VIRGINIA WORKFORCE INVESTMENT BOARD (NVWIB)

(SAR) Approved SAR AS 04013 in the amount of \$514,036 for DFS to accept funding from the Virginia Department of Corrections on behalf of the NVWIB to provide employment services to facilitate the successful re-entry of violent offenders into the County community. No local cash match is required.

ADMIN 19 – SUPPLEMENTAL APPROPRIATION RESOLUTIONS (SAR) AS 04005, AS 04006, AND AS 04007 FOR THE DEPARTMENT OF FAMILY SERVICES (DFS) TO ACCEPT GRANT FUNDS, ON BEHALF OF THE NORTHERN VIRGINIA WORKFORCE INVESTMENT BOARD (NVWIB), FROM THE VIRGINIA EMPLOYMENT COMMISSION TO CONTINUE THE WORKFORCE INVESTMENT ACT (WIA) PROGRAMS FOR ADULT, YOUTH, AND DISLOCATED WORKERS

(SARs) Approved SARs AS 04005, AS 04006, and AS 04007 in the amount of \$2,044,439 for DFS to continue funding the WIA Adult, Youth, and Dislocated Workers programs. No local cash match is required.

ADMIN 20 – AUTHORIZATION FOR THE HEALTH DEPARTMENT TO APPLY TO THE CENTER FOR DISEASE CONTROL (CDC) AND PREVENTION FOR STEPS TO A "HEALTHIERUS" PROGRAM FUNDS

Authorized the Health Department’s submission of an application for Steps to a HealthierUS grant funding from CDC in the amount of \$1,000,000. No local cash match is required.

ADMIN 21 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 04014 FOR THE DEPARTMENT OF FAMILY SERVICES (DFS) TO ACCEPT CONTINUED GRANT FUNDING ON BEHALF OF THE NORTHERN VIRGINIA WORKFORCE INVESTMENT BOARD (NVWIB) FROM THE VIRGINIA EMPLOYMENT COMMISSION (VEC) TO CONTINUE THE NATIONAL EMERGENCY GRANT (NEG) PROGRAM FOR DISLOCATED WORKERS

(SAR) Approved SAR AS 04014 in the amount of \$1,000,000 from VEC on behalf of the NVWIB for DFS to continue to provide intensive employment services to persons participating in the NEG program.

**ADMIN 22 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR)
AS 04017 FOR THE DEPARTMENT OF FAMILY SERVICES TO
ACCEPT GRANT FUNDING, ON BEHALF OF THE NORTHERN
VIRGINIA WORKFORCE INVESTMENT BOARD (NVWIB), FROM
THE VIRGINIA EMPLOYMENT COMMISSION (VEC) TO CONTINUE
THE METROTECH PROGRAM FOR THE TRAINING AND
EMPLOYMENT OF DISLOCATED WORKERS IN HIGH
TECHNOLOGY FIELDS**

(SAR) Approved SAR AS 04017 in the amount of \$414,023, the first of two semiannual Notices of Award for Fiscal Year 2004. DFS is accepting this funding from the VEC, on behalf of the NVWIB, to continue funding the MetroTech program.

15. **A-1 – CHANGES TO THE FAIRFAX COUNTY PURCHASING
RESOLUTION** (Tape 3)

(R) Supervisor Hyland moved that the Board concur in the recommendation of staff and approve changes to the Fairfax County Purchasing Resolution, to become effective immediately. These proposed changes incorporate modifications resulting from legislation enacted during the 2003 session of the Virginia General Assembly and other administrative changes recommended by staff. Supervisor Connolly seconded the motion.

Following discussion, with input from Cathy A. Muse, Director, Department of Purchasing and Supply Management, the question was called on the motion and it carried by unanimous vote, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE."

16. **A-2 – AUTHORIZATION TO REALLOCATE AND AUTHORIZE
DISBURSEMENT OF UP TO \$50,000 IN TIER ONE PREDEVELOPMENT
FUNDS FROM THE AFFORDABLE HOUSING PARTNERSHIP FUND
OF THE HOUSING TRUST FUND AS A LOAN TO THE ISLAND WALK
LIMITED PARTNERSHIP (HUNTER MILL DISTRICT)** (Tape 3)

On motion of Supervisor Hudgins, seconded by Supervisor Hyland, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the reallocation and disbursement of up to \$50,000 from the Affordable Housing Partnership Program Funds within Fund 144, Housing Trust Fund, for the purpose of conducting preliminary studies for the acquisition and rehabilitation of up to 102 rental units.

17. **A-3 – AUTHORIZATION TO DONATE TWO SURPLUS SHOUPTRONIC-1242 VOTING MACHINES TO THE SMITHSONIAN MUSEUM OF AMERICAN HISTORY** (Tape 3)

Supervisor Connolly moved that the Board concur in the recommendation of staff and authorize the donation of two surplus Shouptronic-1242 voting machines to the National Smithsonian Museum of American History – one for its permanent collection and one for a public exhibit. Supervisor Bulova seconded the motion.

Following discussion, with input from Judy Flaig, Staff, Electoral Board, the question was called on the motion and it carried by unanimous vote.

18. **A-4 – CONSOLIDATED COMMUNITY FUNDING ADVISORY COMMITTEE (CCFAC) RECOMMENDATIONS REGARDING THE FISCAL YEAR (FY) 2005 AND FY 2006 FUNDING PRIORITIES FOR THE CONSOLIDATED COMMUNITY FUNDING POOL (CCFP)** (Tape 3)

On motion of Supervisor Hyland, seconded by Supervisor Bulova, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the FY 2005 and FY 2006 Funding Priorities for the CCFP as recommended by the CCFAC.

19. **A-5 – FAIR OAKS MALL LICENSE AGREEMENT (SPRINGFIELD DISTRICT)** (Tape 3)

Supervisor McConnell moved that the Board concur in the recommendation of staff and:

- Approve, in substantial form, a License Agreement with Fair Oaks Mall to permit FAIRFAX CONNECTOR buses to board and discharge passengers at a designated bus stop within the mall premises.
- Authorize the Director of Transportation to execute the finalized agreement on behalf of the County.

Supervisor Connolly seconded the motion.

Following discussion, with input from Andy Szakos, Chief, Transit Services Division, Department of Transportation, the question was called on the motion and it carried by unanimous vote.

20. **A-6 – APPROVAL OF A RESOLUTION WHICH AUTHORIZES THE FAIRFAX COUNTY PARK AUTHORITY TO ISSUE A NOTE IN THE AMOUNT OF \$10 MILLION FOR THE PURPOSE OF RETIRING A NOTE USED FOR THE PURPOSE OF ACQUIRING PARK LANDS; AUTHORIZES THE SEWER FUND TO INVEST IN THE NOTE; AND APPROVES A PAYMENT AGREEMENT IN WHICH THE COUNTY AGREES TO REPAY THE NOTE ON BEHALF OF THE PARK AUTHORITY** (Tape 3)

(BONDS)

(R)

Supervisor Frey moved that the Board concur in the recommendation of staff and adopt a Resolution, which includes the following provisions:

- Approves the issuance of a note by the Park Authority for the purpose of providing funds to retire a note issued for the purpose of acquiring parkland.
- Authorizes the investment in the Note by the Sewer Funds.
- Approves the Payment Agreement between the County and the Authority in which the County agrees to repay the note on behalf of the Park Authority subject to annual appropriation.

Supervisor Bulova seconded the motion.

Following discussion, with input from Leonard P. Wales, Assistant Director, Department of Management and Budget, the question was called on the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, and Chairman Hanley voting "AYE," Supervisor Mendelsohn being out of the room.

21. **A-7 – ENDORSEMENT OF A PROPOSAL OF THE COUNCIL OF GOVERNMENTS (COG) FOR FEDERAL LEGISLATION TO FACILITATE MUTUAL AID AGREEMENTS BY LIMITING LIABILITY IN PROVIDING EMERGENCY ASSISTANCE ACROSS STATE LINES** (Tape 3)

Supervisor Connolly moved that the Board concur in the recommendation of staff and:

- Endorse a proposal by the Metropolitan Washington COG to seek federal legislation that would facilitate entering into, amending, and implementing mutual aid agreements.
- Direct the County Executive to communicate such endorsement to the COG Board.

Supervisor Hyland seconded the motion.

Following discussion, with input from David P. Bobzien, County Attorney, the question was called on the motion and it carried by unanimous vote.

22. **I-1 – FAIRFAX COUNTY WINS NINE NATIONAL ASSOCIATION OF COUNTIES (NACo) ACHIEVEMENT AWARDS** (Tape 3)

The Board next considered an item contained in the Board Agenda dated July 7, 2003, announcing that 9 County programs (out of a total of 13 County entries) have been recognized in the annual NACo Achievement Awards Competition. The 2003 Fairfax County NACo Achieve Award recipients are as follows:

- **Department of Public Works and Environmental Services (DPWES)/Facilities Management Division**
Program Title: Emergency Response Planning Program
Category: Emergency Management and Response
- **DPWES/Solid Waste Collection and Recycling**
Program Title: Keep It Green “E-Waste” Program
Category: Environmental Protection and Energy
- **Department of Information Technology (DIT)**
Program Title: GIS Use in Crime Analysis by Fairfax County Police Department
Category: Criminal Justice and Public Safety
- **Department of Family Services (DFS)/Adult and Aging Services**
Program Title: Task-Based Home Care Services
Category: Human Services
- **DFS/Office for Children and DIT**
Program Title: Child Care Central
Category: County Administration and Management
- **Department of Finance**
Program Title: Returning Unclaimed Money to Rightful Owners
Category: Financial Management
- **Department of Management and Budget**
Program Title: Youth Leadership Program
Category: Civic Education and Public Information

- **Fairfax County Park Authority (Two Awards)**

- Program Title: After Hours: Reaching Out to the Teen Population
Category: Children and Youth
- Program Title: Fitlinxx: A Virtual Training Partner (Best of Category)
Category: Parks and Recreation

Supervisor Connolly announced that Fairfax County also will be receiving the Virginia Association of Counties 2003 Achievement Awards for its use of technology to enhance government services, which will be presented at the annual meeting in November.

23. **I-2 – CONTRACT AWARD – ANNUAL CONTRACT FOR DAM REPAIRS/RENOVATIONS** (Tape 3)

The Board next considered an item contained in the Board Agenda dated July 7, 2003, requesting authorization for staff to award a contract to K.B. Contracting, LLC, in the amount of \$1,000,778 for the Annual Contract for Dam Repairs/Renovations.

The staff was directed administratively to proceed as proposed.

24. **I-3 – DISPLAY OF OWNER NAMES AND ADDRESSES ON REAL ESTATE WEB PAGES** (Tape 3)

The Board next considered an item contained in the Board Agenda dated July 7, 2003, reporting staff's findings regarding the pros and cons of removing all owner information from the web site, especially in terms of the potential effects on citizen security and private, Freedom of Information Act obligations under State law, and on the community's use of this web site.

Following discussion, Supervisor Kauffman asked unanimous consent that the Board direct staff to include a note with the annual assessment notices reminding individuals of the right to opt-out of having their names listed. Without objection, it was so ordered.

The staff was directed administratively to proceed as proposed.

25. **I-4 – NATIONAL SCENIC BYWAY GRANT PROGRAM AGREEMENT WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR THE DEVELOPMENT AND ADMINISTRATION OF THE GEORGETOWN PIKE TRAIL (DRANESVILLE DISTRICT)** (Tape 3)

The Board next considered an item contained in the Board Agenda dated July 7, 2003, requesting authorization for staff to execute a National Scenic Byway Grant agreement with VDOT for the development and administration of the Georgetown Pike Trail Project.

Discussion ensued with input from Walter T. Wozniak, Chief, Utilities Design Branch, Department of Public Works and Environmental Services.

The staff was directed administratively to proceed as proposed.

26. **I-5 – CONTRACT AWARD – WEST OX MAINTENANCE FACILITY EXPANSION (SPRINGFIELD DISTRICT)** (Tape 3)

The Board next considered an item contained in the Board Agenda dated July 7, 2003, requesting authorization for staff to award a contract to Vista Contracting, Incorporated, in the amount of \$3,450,000 for construction of West Ox Maintenance Facility Expansion, Project 88A015, in Fund 311, County Bond Construction.

Discussion ensued with input from Anthony H. Griffin, County Executive.

The staff was directed administratively to proceed as proposed.

27. **I-6 – ADMINISTRATIVE FEES FOR COLLECTION OF DELINQUENT TAXES OR OTHER DELINQUENT CHARGES** (Tape 3)

The Board next considered an item contained in the Board Agenda dated July 7, 2003, requesting authorization for staff impose administrative fees in the collection of delinquencies where authorize by law.

Discussion ensued with input from Wayne Boles, Assistant Director, Revenue Collection Division, Department of Tax Administration.

The staff was directed administratively to proceed as proposed.

28. **I-7 – UPDATE ON OCCOQUAN TASK FORCE RECOMMENDATIONS** (Tape 3)

The Board next considered an item contained in the Board Agenda dated July 7, 2003, requesting authorization for staff to prepare and submit to the Board a detailed description of resource needs and workload impacts associated with

implementing the new initiatives as a result of the Occoquan Task Force recommendations.

The staff was directed administratively to proceed as proposed.

29. **I-8 – CONTRACT AWARD FOR FAIRFAX CONNECTOR BUS OPERATION AT RESTON/HERNDON DIVISION** (Tape 3)

The Board next considered an item contained in the Board Agenda dated July 7, 2003, requesting authorization for staff to award a contract to Yellow Transportation/Connex for the management and operation of FAIRFAX CONNECTOR bus service in the Dulles Corridor of the County.

The staff was directed administratively to proceed as proposed.

30. **I-9 – FAIRFAX CONNECTOR AND METROBUS (NON-REGIONAL) COST COMPARISON** (Tape 3)

The Board next considered an item contained in the Board Agenda dated July 7, 2003, providing:

- The cost comparison analysis of both operating and capital costs for the FAIRFAX CONNECTOR and Metrobus service.
- A summary of bus acquisitions and replacements since the formation of the FAIRFAX CONNECTOR.

Chairman Hanley called the Board's attention to a revised handout of this item citing a correction on page 118, Table A, under Cost/Platform Hour, Percent Difference, to read 17.9 percent.

31. **I-10 – CONTRACT AWARD – GREAT FALLS NIKE PARK COMMUNITY PARK DEVELOPMENT (DRANESVILLE DISTRICT)** (Tape 3)

The Board next considered an item contained in the Board Agenda dated July 7, 2003, requesting authorization for staff to award a contract to A&W Contracting Company in the amount of \$1,015,155 for the development of Great Falls Nike Park in Project 475598, Community Park Development, in Fund 370, Park Authority Bond Construction.

A brief discussion ensued.

The staff was directed administratively to proceed as proposed.

ADDITIONAL BOARD MATTERS

NV:nv

32. **SUBSTANCE ABUSE AWARENESS WEEK** (Tape 4)

Chairman Hanley stated that Alcohol and Drug Services, an agency of the Fairfax-Falls Church Community Services Board, requested recognition for the twenty-second annual Substance Abuse Awareness Week. Accordingly, she relinquished the Chair to Vice-Chairman Hyland and moved that the Board direct staff to:

- Prepare a proclamation declaring September 22-26, 2003, as "*Substance Abuse Awareness Week*" in Fairfax County.
- Invite the appropriate representatives to appear before the Board at the September 15, 2003, meeting to receive the proclamation.

Supervisor Kauffman seconded the motion, which carried by unanimous vote.

33. **FIRE PREVENTION WEEK** (Tape 4)

Chairman Hanley announced that the week of October 5-11, 2003, will be celebrated nationally as Fire Prevention Week. The Department of Fire and Rescue will host Open Houses at all 35 County fire stations on Saturday, October 11, 2003, to promote "Get Out, Stay Out." Accordingly, she moved that the Board direct staff to invite representatives from the Department of Fire and Rescue to appear before the Board at the September 29, 2003, meeting to receive a proclamation declaring the week of October 5-11, 2003, as "*Fire Prevention Safety Week*" in Fairfax County. Supervisor Connolly seconded the motion, which carried by unanimous vote.

34. **TELECOMMUNICATIONS** (Tape 4)

Chairman Hanley stated that the telecommunications industry has a joint subcommittee in Richmond studying telecommunications taxes. Noting that this has major implications for the County, she asked unanimous consent that the Board direct staff to prepare an Information Item with an update on the status as well as current or projected revenue implications for the County. Without objection, it was so ordered.

35. **RESCHEDULING OF THE PUBLIC HEARING ON THE ZONING ORDINANCE AMENDMENTS FOR MOBILE AND LAND-BASED TELECOMMUNICATIONS FACILITIES** (Tape 4)

(BACs) Chairman Hanley stated that the Chairman of the Planning Commission asked that the Board defer its public hearing on the Zoning Ordinance Amendment on

mobile and land-based telecommunications facilities. The Countywide Telecommunications Task Force has completed and recommended Zoning Ordinance and Comprehensive Plan Amendments concerning the placement of wireless telecommunications facilities. The Planning Commission held a public hearing on the issue on June 18, 2003, and has scheduled its decision (recommendation) for July 23, 2003.

Chairman Hanley stated that the Board public hearings are scheduled for August 4, 2003. However, to allow additional time for these items to be considered and discussed by the community, she moved that the Board defer the public hearings on these items until September 29, 2003. Supervisor Mendelsohn seconded the motion, which carried by unanimous vote.

36. **GROUND EFFLUENT DISCHARGE** (Tape 4)

Chairman Hanley stated that it had been called to her attention that the Virginia Department of Environmental Quality (VDEQ) adopted a streamlined procedure for approval of corrective action plans for discharge of treated groundwater from remediation sites. This review process does not include Fairfax County. Historically, the County has reviewed corrective action plans for the discharge of treated waters from gas stations and other industrial sites. A review process is already in place.

Chairman Hanley stated that the streamlined practice raises numerous concerns regarding adequate review and monitoring of the remediation process when the discharge is directed to a storm sewer that is not regulated by the County. Because the County is required to comply with the Clean Water Act and the Chesapeake Bay Ordinance, she asserted that it is imperative that the County be assured of proper monitoring and handling of groundwater effluent into state waters within the County.

Accordingly, Chairman Hanley moved that the Board:

- Direct staff to contact VDEQ and investigate current procedures that ensure groundwater remediation effluent will be properly monitored and tested to prevent non-compliance with the Clean Water Act and the Chesapeake Bay Ordinance.
- Direct the County Executive to draft a letter on behalf of the Board to VDEQ expressing the County's concern regarding the discharge of groundwater remediation effluent into state waters within the County and requesting notification of all current discharges and those approved in the future which are or will occur within the County. (She clarified this as requesting notifications in the future.)

- Direct the County Attorney to investigate legal avenues that are available to the County to ensure the protection of State waters within the County from remedial discharges that may be non-compliant with the Clean Water Act and the Chesapeake Bay Ordinance.

Supervisor Mendelsohn seconded the motion.

Following discussion, the question was called on the motion, which carried by unanimous vote.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

37. **DEFERRAL OF THE PUBLIC HEARING FOR SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 93-D-018-2 (DRANESVILLE DISTRICT)** (Tape 4)

Supervisor Mendelsohn announced that the public hearing on Special Exception Amendment Application SEA 93-D-018-2, scheduled for 4:30 p.m., had been deferred indefinitely. He asked unanimous consent that the Board direct the Clerk to notify the scheduled speakers. Without objection, it was so ordered.

(NOTE: Later in the meeting, this public hearing was deferred indefinitely. See Clerk's Summary Item CL#82.)

38. **HERNDON FREE CLINIC (DRANESVILLE DISTRICT)** (Tape 4)

With reference to his written Board Matter on the subject, Supervisor Mendelsohn said that the Herndon Free Clinic will be celebrating its first anniversary on July 27, 2003. It is a non profit, community-based organization of volunteer healthcare professionals and community volunteers, committed to providing access to quality health services for the uninsured, low-income residents of the Herndon area. Health care professionals and community volunteers from diverse backgrounds share a common desire to help ensure that low-income children receive physicals so they are able to enroll in school.

As a result of the effort of Ms. Jeanie Schmidt and her fellow volunteers at the Herndon Free Clinic, 356 children from 15 nationalities received free school admission health screenings since July 2002. In addition to the physicals for Fairfax County Public Schools K-12 children, the clinic's services recently expanded to include physical examinations for babies and toddlers to enroll in Early Head Start, Head Start, and physicals for summer camps for Boy Scouts and Girl Scouts. The ultimate goal is to provide services to the entire family.

Accordingly, Supervisor Mendelsohn moved that the Board direct staff to invite Ms. Schmidt and members of the Herndon Free Clinic Board of Directors to appear before the Board on July 21, 2003, to be recognized and congratulated for

this significant accomplishment. Supervisor Connolly seconded the motion and it carried by unanimous vote.

39. **SCHEDULING OF PUBLIC HEARING FOR SPECIAL EXCEPTION APPLICATION SE-2002-DR-026 FOR A PARKING GARAGE FOR THE WEST FALLS CHURCH METRO STATION (DRANESVILLE DISTRICT)** (Tape 4)

Supervisor Mendelsohn noted that the Washington Metropolitan Area Transit Authority (WMATA) filed Special Exception Application SE-2002-DR-026 for approval to build a parking garage to accommodate approximately 1,000 cars on a portion of the existing surface parking lot at the West Falls Church Metro Station. Although the issue of replacement parking has not yet been resolved, WMATA requested that the public hearing to be held before the Board be scheduled for August 4, 2003, to avoid delaying the implementation of the new parking structure.

Accordingly, Supervisor Mendelsohn moved that the Board direct staff to schedule a public hearing to be held before the Board for Special Exception Application SE 2002-DR-026 for August 4, 2003. This motion does not relieve the applicant from compliance with the provisions of any and all applicable ordinances, regulations, or adopted standards, and it does not constitute support by the Board for the special exception application. Supervisor Kauffman seconded the motion and it carried by unanimous vote.

40. **SCHEDULING OF PUBLIC HEARING FOR REZONING APPLICATION RZ-2003-DR-019 FOR LANGLEY HILL FRIENDS MEETING (DRANESVILLE DISTRICT)** (Tape 4)

Supervisor Mendelsohn said that the Langley Hill Friends Meeting, a Quaker meeting house that has been a part of the Dranesville community since 1960, is seeking to construct an addition to its facility. The existing building, located in the R-1 District on Georgetown Pike in McLean, has operated as a church since 1893 and, accordingly, is not subject to a special permit. The Meeting seeks to construct a modest addition of approximately 682 square feet to improve accommodations for the educational, social, and administrative activities of the congregation at its present size. Although the proposed addition is relatively minor, the limited lot area of the property, approximately 15,300 square feet, causes the proposed total floor area ratio to slightly exceed what is permitted in the R-1 District. As a result, the applicant is seeking a rezoning to the R-2 District which would allow the additional floor area ratio and a special permit to allow the existing church use. The rezoning is scheduled to be heard by the Planning Commission on September 11, 2003. The applicant has requested a date certain for the hearing before the Board.

Accordingly, Supervisor Mendelsohn moved that the Board direct staff to schedule a public hearing to be held before the Board for Rezoning Application RZ 2003-DR-019 for October 20, 2003. This motion does not relieve the applicant from compliance with the provisions of any and all applicable ordinances, regulations, or adopted standards, and it does not constitute support by the Board for the rezoning application. Supervisor Hyland seconded the motion and it carried by unanimous vote.

41. **SCHEDULING OF SPECIAL EXCEPTION APPLICATION SE-2003-DR-019 FOR NEW YORK AVENUE GATEWAY LLC (DRANESVILLE DISTRICT)** (Tape 4)

Supervisor Mendelsohn said that New York Avenue Gateway LLC, the owner of a property in the McLean Revitalization District located at 6832 Old Dominion Drive, has recently filed Special Exception Application SE 2003-DR-019. It would allow a commercial tenant to place a sign advertising its business on a corner commercial property. By adding the requested 84 square feet of signage to this property, coupled with existing signage for first floor retail tenants which face both on Beverly Road and on Old Dominion Drive, the owner exceeded his maximum allowable by-right square footage by 78 square feet. This application is scheduled for a public hearing to be held by the Planning Commission on October 9, 2003, and the applicant has requested a date certain for the public hearing of the Board.

Therefore, Supervisor Mendelsohn moved that the Board direct staff to schedule a public hearing to be held before the Board for Special Exception Application SE 2003-DR-019 for October 20, 2003. This motion does not relieve the applicant from compliance with the provisions of any and all applicable ordinances, regulations or adopted standards and does not constitute support by the Board for the special exception application. Supervisor Hyland seconded the motion and it carried by unanimous vote.

42. **SCHEDULING OF PUBLIC HEARING FOR SPECIAL EXCEPTION APPLICATION SE-2003-DR-018 FOR BANK OF AMERICA (DRANESVILLE DISTRICT)** (Tape 4)

Supervisor Mendelsohn said that the Bank of America filed Special Exception Application SE 2003-DR-018 to permit a drive-through bank on the old Post Office site on Walker Road in Great Falls. The bank proposes to raze the existing building and to construct a 4,000 square foot building with two drive-through lanes. The applicant is working closely with the Great Falls Citizens Association and staff to address any issues or concerns that may arise during the review of the application.

Supervisor Mendelsohn said that this application is currently scheduled for a public hearing before the Planning Commission on Wednesday, September 24, 2003. The applicant has requested concurrent processing and recognizes the risks involved in proceeding with concurrent processing.

Therefore, Supervisor Mendelsohn moved that the Board direct the staff to:

- Proceed with concurrent processing of Special Exception Application SE 2003-DR-018.
- Schedule a public hearing to be held before the Board for Special Exception Application SE 2003-DR-018 for October 20, 2003.

This motion does not relieve the applicant from compliance with the provisions of any and all applicable ordinances, regulations, or adopted standards and does not constitute support by the Board for the special exception application. Supervisor Hyland seconded the motion and it carried by unanimous vote.

43. **MOUNT VERNON HOSPITAL LEASE (MOUNT VERNON DISTRICT)**
(Tape 4)

Noting the recent press coverage regarding Inova's Mount Vernon Hospital, Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff to distribute copies of the relevant portions of the Mount Vernon Hospital lease regarding ownership and authority of the Board. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

44. **RECREATION CENTER REDUCED RATES** (Tape 4)

Supervisor Frey noted that the County offers reduced rates to senior citizens who use the County's recreation centers. He said that a constituent contacted his office to inquire about the possibility of offering the same reduced rate to citizens with disabilities. Accordingly, he asked unanimous consent that the Board direct staff to research this matter to determine any issues regarding the feasibility of offering a reduced rate to citizens with disabilities at the County recreation centers. Without objection, it was so ordered.

45. **SCHEDULING OF PUBLIC HEARING FOR SPECIAL EXCEPTION APPLICATION SE 2003-SU-016 (SULLY DISTRICT)** (Tape 4)

Supervisor Frey reported that Chantilly Professional Buildings Associates, LLC broke ground on a second office building on Centreville Road, across from Metrotech Drive. It is processing a special exception application for a drive-through bank at the base of the building. The Planning Commission public hearing is scheduled for October 1, 2003.

Supervisor Frey moved that the Board authorize the scheduling of a public hearing to be held before the Board on October 20, 2003, for Special Exception Application SE 2003-SU-016. He noted that the applicants understand that this motion does not relieve them of any obligation, ordinance or standards, and will not prejudice the consideration of the application in any way. Supervisor Bulova seconded the motion, which carried by unanimous vote.

46. **SCHEDULING OF PUBLIC HEARING FOR REZONING APPLICATION RZ 2002-SU-034 AND SPECIAL EXCEPTION APPLICATION SE 2002-SU-039 (SULLY DISTRICT)** (Tape 4)

Supervisor Frey stated that Dennis and Karen Hogge filed rezoning and special exception applications to permit Wendy's and Midas on property located on Old Centreville Road. The Planning Commission recommendation on the applications was deferred to give the contract purchasers time to address current road deficiencies. For contractual reasons, the agent requested that the Board schedule the public hearing to be held before the Board on August 4, 2003.

Accordingly, Supervisor Frey moved that the Board authorize the scheduling of the public hearing for Rezoning Application RZ 2002-SU-034 and Special Exception Application SE 2002-SU-039 to be held before the Board on August 4, 2003. He noted that the applicants understand that this motion does not relieve them of any obligation, ordinance, or standards, and will not prejudice the consideration of the application in any way. Supervisor Hyland seconded the motion, which carried by unanimous vote.

47. **AIR AND SPACE MUSEUM** (Tape 4)

Supervisor Frey said that he attended some events at the Smithsonian's new Air and Space Museum in Chantilly last week. It is scheduled for public opening on December 15, 2003. He asked unanimous consent that the Board direct staff to invite General Jack Dailey to make a brief presentation before the Board on August 4, 2003, regarding the new museum and its schedule during the opening week. Without objection, it was so ordered.

Supervisor Hudgins asked unanimous request that the Board direct staff to schedule tours for Board Members prior to the opening. Without objection, it was so ordered.

48. **INTENT TO DEFER THE PUBLIC HEARING ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 94-M-047 (MASON DISTRICT)** (Tape 4)

Supervisor Gross announced her intent, at the appropriate time later in the meeting, to defer the public hearing on Special Exception Amendment Application SEA 94-M-047 until August 4, 2003, at 3 p.m.

(NOTE: Later in the meeting, this public hearing was formally deferred. See Clerk's Summary Item CL#74.)

49. **INTENT TO DEFER THE PUBLIC HEARING ON REZONING APPLICATION RZ 2002-MA-045 AND SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 84-M-069 (MASON DISTRICT)** (Tape 4)

Supervisor Gross announced her intent, at the appropriate time later in the meeting, to defer the public hearing on Rezoning Application RZ 2002-MA-045 and Special Exception Amendment SEA 84-M-069 until August 4, at 4:30 p.m. due to an affidavit issue.

(NOTE: Later in the meeting, this public hearing was formally deferred. See Clerk's Summary Item CL#81.)

50. **EXPEDITED PROCESSING FOR SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 81-M-034, JACK J. AND LYN R. MORRIS (MASON DISTRICT)** (Tape 4)

Supervisor Gross said that Jack J. and Lyn R. Morris have been the owners of the property identified as Tax Map 51-4-((2))-(A)-8 for almost 30 years. Mr. Morris received approval of a special exception to operate an office on the property in 1977, subject to a time limitation. A second special exception was granted in 1981 with no time limitation, but subject to a development condition that the approval was granted to the applicant only and is not transferable to other persons or corporations. Mr. Morris is ready to sell his property, and this condition has been an obstacle when entering into a contract. Special Exception Amendment Application SEA 81-M-034 was been submitted to the Department of Planning and Zoning. The sole purpose is to modify the referenced development condition so that the special exception runs with the land, which is consistent with current special exception approvals.

Accordingly, Supervisor Gross moved that the Board direct staff to expedite processing and schedule the public hearing for Special Exception Amendment Application SEA 81-M-034 for a date of, or prior to, October 27, 2003. This motion should not be construed as a favorable recommendation on the application by the Board, and does not relieve the applicant of compliance with the provisions

of any applicable ordinances, regulations, or adopted standards. Supervisor Hyland seconded the motion and it carried by unanimous vote.

51. **EXPEDITED PROCESSING FOR SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 01-M-052, COMBINED PROPERTIES LIMITED PARTNERSHIP (MASON DISTRICT)** (Tape 4)

Supervisor Gross said that Combined Properties Limited Partnership recently submitted a special exception amendment application to revise the hours of operation of the approved drive-through bank located in the Bradlick Shopping Center. In May 2002, the Board approved Special Exception Application SE 01-M-052, which included a development condition restricting the bank's hours of operation. In an effort to provide customers with more flexible drive-through and lobby banking hours, the applicant is seeking approval of extended service hours through an amendment to the special exception. Combined Properties is scheduled to meet with the Mason District Land Use Committee and the Annandale Central Business District Planning Committee prior to the Planning Commission and Board public hearings.

Therefore, Supervisor Gross moved that the Board direct staff to expedite processing and schedule the public hearing for Special Exception Amendment Application SEA 01-M-052 on, or prior to, October 27, 2003. This motion should not be construed as a favorable recommendation on the application by the Board, and does not relieve the applicant of compliance with the provisions of any applicable ordinances, regulations, or adopted standards. Supervisor Connolly seconded the motion and it carried by unanimous vote.

52. **MULTILINGUAL BROCHURES REGARDING BIAS CRIMES** (Tape 4)

Supervisor Gross said that in the ongoing effort to counter hate or bias crimes within the community, the Fairfax County Police Department has developed a brochure to inform County residents about what constitutes a bias incident, and what rises to the level of a bias crime.

Supervisor Gross stated that one of the impediments to accurate reporting of such incidents or crimes is that the most likely victims tend to be recent immigrants or those most identifiable with their ethnic community, and least likely to be fluent in the English language. Therefore, their chances of understanding the law and knowing that the community cares about stopping such incidents, and that the Police Department is committed to investigate and prosecute all bias incidents, is likely to be limited.

Supervisor Gross noted that the Police Department and various community organizations partnered to translate the bias crimes informational brochure into several languages to ensure that the potential victims of bias crimes or incidents are informed of their rights and how to contact the Police Department to report bias crimes and incidents. The brochures are available this summer for the first

time. She moved that the Board direct staff to invite the Chief of Police, the Human Rights Commission Director, and representatives from the appropriate partner organizations to be recognized for this important move forward to combat bias crimes and incidents in the County. Chairman Hanley seconded the motion and it carried by unanimous vote.

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved that the Board direct staff to add this information to the Police Department's website. The second to this motion was inaudible.

Supervisor Frey pointed out that the Sully District Police Station was not listed on brochures. Chairman Hanley amended her motion to direct staff to include that information on the website.

The question was called on the motion, as amended, which carried by unanimous vote.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

DS:ds

53. **REQUEST FOR MODIFIED PROCESSING FOR REZONING/SPECIAL EXCEPTION AMENDMENT APPLICATIONS RZ 2003-LE-01/SEA 85-L-001-02 (LEE DISTRICT)** (Tape 5)

Supervisor Kauffman said that Rezoning Application/Special Exception Amendment Applications RZ 2003-LE-01/SEA 85-L-001-02 involves a request by the Calvary Road Baptist Church to increase the church's land area, and to construct an addition to allow for increased seating capacity and school enrollment.

Therefore, Supervisor Kauffman moved that the Board direct the Director of the Department of Public Works and Environmental Services and the Director of the Department of Planning and Zoning to proceed with modified processing for Rezoning/Special Exception Amendment Applications RZ 2003-LE-01/SEA 85-L-001-02. This motion does not relieve the applicant from complying with the provisions of any applicable ordinances, regulations, or adopted standards, and does not prejudice the consideration of the application in any way. Supervisor Mendelsohn seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

54. **INTENT TO DEFER PUBLIC HEARING ON REZONING APPLICATION RZ 2002-PR-025 (DSF/LONG METRO, LLC) (PROVIDENCE DISTRICT)**
(Tape 5)

Supervisor Connolly announced his intent to defer, later in the meeting at the appropriate time, the public hearing on Rezoning Application RZ-2002-PR-025 to July 21, 2003.

(NOTE: Later in the meeting this public hearing was formally deferred. See Clerk's Summary Item CL#73.)

55. **INTENT TO DEFER INDEFINITELY THE PUBLIC HEARING ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 10619 ROSEHAVEN STREET (PROVIDENCE DISTRICT)** (Tape 5)

Supervisor Connolly announced his intent to defer indefinitely, later in the meeting at the appropriate time, the public hearing on Spot Blight Abatement Ordinance for 10619 Rosehaven Street.

(NOTE: Later in the meeting, this public hearing was formally deferred. See Clerk's Summary Item CL#78.)

56. **PROFFERED CONDITION AMENDMENT/FINAL DEVELOPMENT PLAN AMENDMENT APPLICATIONS PCA/FDPA 84-P-035-04 (GOLFDOM/CHAMPION CAR WASH) (PROVIDENCE DISTRICT)**
(Tape 5)

Supervisor Connolly said that Golfdom is currently pursuing a proffered condition amendment and final development plan amendment for the Golfdom/Champion Car Wash site in Tysons Corner. These applications seek approval to permit the replacement of the existing gas station with an oil lube establishment and other site improvements.

Therefore, Supervisor Connolly moved that the Board direct staff to:

- Process the site plan and other associated plans concurrently with Proffered Condition Amendment/Final Development Plan Amendment Application PCA/FDPA 84-P-035-04.
- Schedule a public hearing to be held before the Board on October 20, 2003, regarding Proffered Condition Amendment/Final Development Plan Amendment Application PCA/FDPA 84-P-035-04.

Approval of this motion shall in no way prejudice the substantive review of the pending application. Supervisor Bulova and Supervisor Hyland jointly seconded

the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

PMH:pmh

57. **NO BOARD MATTERS TO PRESENT FOR SPRINGFIELD DISTRICT SUPERVISOR McCONNELL** (Tape 6)

Supervisor McConnell had no Board Matters to present today.

58. **MCNAIR FARMS ELEMENTARY SCHOOL (HUNTER MILL DISTRICT)** (Tape 6)

Supervisor Hudgins said that the Fairfax County School Board ("School Board") is preparing to file a proffered condition amendment/conceptual and final development plan amendment application for McNair Farms Elementary School on Tax Map Parcel 16-3-((1))41, to allow construction of modular additions to accommodate the growth in student population. The Board of Supervisors is the title owner of this property, and the School Board is the lessee. The School Board requests Board authorization to file the application as applicant and agent for the title owner. Further, the School Board requests expedited and concurrent processing, and the scheduling of a Board hearing date, all to accommodate the construction schedule that is essential to meeting student needs for the 2004-2005 school year.

Therefore, Supervisor Hudgins moved that the Board:

- Authorize the School Board to file and pursue as applicant and agent for title owner, a proffered condition amendment/conceptual and final development plan amendment application for McNair Farms Elementary School.
- Direct the Department of Planning and Zoning to expeditiously process these applications and that the Board agree to set a Board public hearing on the proffered condition amendment/conceptual and final development plan amendment applications for the last Board meeting in October 2003.
- Direct the Planning Commission to set its hearing on a date prior to the Board's public hearing date that will facilitate accomplishing the Board hearing as scheduled.
- Direct the Department of Public Works and Environmental Services to accept the associated site and subdivision plans for processing concurrent with the zoning applications.

This motion does not relieve the applicant from complying with all regulations, ordinances, or adopted standards, and does not predetermine or prejudice the consideration of the zoning applications or engineering plans in any way. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

59. **WAIVER OF FEES FOR THE SHOWMOBILE (HUNTER MILL DISTRICT)** (Tape 6)

Supervisor Hudgins announced that the Annual Cedar Ridge Fun Day will be held on Saturday, August 16, 2003. Reston Interfaith has requested a waiver of the fee for use of the Showmobile for the community fun day for this event.

Therefore, Supervisor Hudgins moved that the Board grant the waiver of the fee for use of the Showmobile by Reston Interfaith, Incorporated on August 16, 2003. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

60. **RESOLUTION RECOGNIZING THE FLAG OF THE FORMER REPUBLIC OF VIETNAM** (Tape 6)

- (R) Supervisor Hudgins moved adoption of the Resolution recognizing the flag of the former Republic of Vietnam as the Heritage Flag of Vietnamese Americans residing in Fairfax County. Supervisor Connolly seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor McConnell being out of the room.

61. **MULTI-WAY STOP SIGNS - MCNAIR FARMS (HUNTER MILL DISTRICT)** (Tape 6)

Supervisor Hudgins said that the developer of McNair Farms at the request of residents, installed multi-way stop signs at Fox Mill Road and Frying Pan Road. The signs were not approved by the Virginia Department of Transportation (VDOT). The section of the roadway has now been accepted into the State system and VDOT has notified the community that the signs will be removed.

Therefore, Supervisor Hudgins moved that the Board forward a request to VDOT to consider waiving its removal of the stop signs. Chairman Hanley seconded the motion.

Following discussion, Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked to amend the motion to include "an acceptable alternative is a traffic light." This was accepted.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

Supervisor Hudgins asked to amend the amendment to the motion as follows: ". . . until a light is warranted." This was accepted.

Following discussion, the question was called on the motion, as amended, and it carried by a vote of nine, Supervisor McConnell being out of the room.

62. **RESOLUTION FROM MOUNT VERNON COUNCIL OF CITIZENS ASSOCIATIONS (MVCCA) (MOUNT VERNON DISTRICT)** (Tape 6)

Supervisor Hyland said that the MVCCA is requesting that the Board direct the County Attorney to review the *Code of Virginia* and the Code of the County of Fairfax with the Chief Judge of the District Court to identify any legal impediments to establishing and operating a traffic court at the South County Center on Richmond Highway.

Supervisor Hyland noted that this is being requested since the Chief Judge, at an earlier meeting, indicated that there may be legal impediments to establishing and operating a traffic court in any location other than the Judicial Center in Fairfax. Therefore, the MVCCA, asks that the County Attorney be requested to propose modifications to remove any impediments and that the MVCCA proposal be included in the Legislative program for the next session of the General Assembly.

Accordingly, Supervisor Hyland asked unanimous consent that the Board refer this issue to the County Attorney for review and recommendation to the Legislative Committee. Without objection, it was so ordered.

63. **REQUEST BOARD RECOGNITION FOR MR. ROBERT BREADS** (Tape 6)

Supervisor Hyland said that effective September 5, 2003, Robert Breads, Director of the Personal Property and Business License Division of the Department of Tax Administration, will be retiring.

Supervisor Hyland referred to his written Board Matter which outlined Mr. Breads' accomplishments and asked unanimous consent that the Board direct staff to invite Mr. Breads to appear before the Board at its meeting scheduled for August 4, 2003, for a well deserved recognition and farewell. Without objection, it was so ordered.

64. **SUGGESTIONS FOR A MORE ENVIRONMENTALLY FRIENDLY HIGHWAY (MOUNT VERNON DISTRICT)** (Tape 6)

Supervisor Hyland said that he recently received a letter from a constituent who requests that the County in its efforts to revitalize Richmond Highway, consider as a requirement natural landscaping and more proven natural resource-based

practices when site plans and permits are approved for development on Richmond Highway, i.e. the planting of native trees and vegetation.

Supervisor Hyland asked unanimous consent that the Board refer this issue to staff for review and response to the Board. Without objection, it was so ordered.

65. **DIGITAL UPGRADE FOR SOME NEIGHBORHOODS NEEDED (MOUNT VERNON DISTRICT)** (Tape 6)

Supervisor Hyland said that he recently received and reviewed a report on the status of Home Subscriber Network Upgrades through May 2003 and noticed that there were several pockets of communities in the Mount Vernon District which, as yet, were not upgraded. These communities are in the Saratoga, DeLong, Hunt, Newington, and Alban precincts and seem to include all or portions of Scarborough, Middle Valley, Pohick Hills, Bethelen Woods, Saratoga, Forest View, Hunter Estates, Lansdown, DeLong, Newington Newberry Station, Twinbrook at Mount Air, Terra Grande, Rollingwood, Burgoyne Forest, and Woodstream.

Supervisor Hyland asked unanimous consent that the Board direct staff to provide a listing of the communities in the Mount Vernon District which have not as yet been upgraded to digital service along with a timeline as to when these upgrades are scheduled to occur. Without objection, it was so ordered.

A brief discussion ensued.

66. **NO BOARD MATTERS TO PRESENT FOR BRADDOCK DISTRICT SUPERVISOR BULOVA** (Tape 6)

Supervisor Bulova announced that she had no Board Matters to present today.

67. **RECESS/CLOSED SESSION** (Tape 6)

At 12 noon, Supervisor Connolly moved that the Board recess and go into closed session for discussion and consideration of matters enumerated in *Virginia Code* Section 2.1-344 and listed in the agenda for this meeting as follows:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A)(1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A)(3).

- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A)(7).
1. *Charles J. Fitzgerald v. Fairfax County Civil Service Commission, Fairfax County Police Department, and Fairfax County*, In Chancery No. 180431 (Fx. Co. Cir. Ct.), Record No. 030494 (Va. Sup. Ct.)
 2. *Donald H. Cochran, Joann A. Cochran, Dean Salman, Diane E. Salman, Wallace T. Sansone, and Board of Supervisors of Fairfax County, Virginia v. Michael R. Bratti and Fairfax County Board of Zoning Appeals*, At Law No. 207043 (Fx. Co. Cir. Ct.), Record No. 030982 (Va. Sup. Ct.) (Dranesville District)
 3. *Board of Supervisors v. Governors Run, L.P.*, At Law No. 201904 (Fx. Co. Cir. Ct.) (Sully District)
 4. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Susan C. Beck and Louis Kobus, Jr.*, In Chancery No. 173551 (Fx. Co. Cir. Ct.) (Lee District)
 5. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Youth Development Foundation, Inc., et al.*, In Chancery No. 178543 (Fx. Co. Cir. Ct.) (Dranesville District)
 6. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Dolores L. Lewis*, In Chancery No. 181989 (Fx. Co. Cir. Ct.) (Dranesville District)
 7. *Board of Supervisors v. Eugene J. Cullinane, Inc., et al.*, At Law No. 197918 (Fx. Co. Cir. Ct.) (Dranesville District)

8. *Zofia A. Zager, Director, Office of Building Code Services, Department of Public Works and Environmental Services, and the Building Official of Fairfax County, Virginia v. Rukhsana Khalid, a/k/a Rukshana Khalid and Rashid Khalid*, In Chancery No. 179443 (Fx. Co. Cir. Ct.) (Braddock District)

And in addition:

- Ordinance of the Town of Herndon, Virginia, dated April 8, 2003, to amend and reordain Article III, Consumer Utility Tax, Chapter 30, Finance and Taxation, Herndon Town Code.
- United States v. American Library Association, Incorporated, US, Number 02-361, 6/23/03.
- 2003 Amendments to the State and Local Conflict of Interests Act.

Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

SBE:sbe

At 3:10 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Hanley presiding.

ACTION FROM CLOSED SESSION

68. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (Tape 7)

Supervisor Bulova moved that the Board certify that, to the best of its knowledge, only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion by which closed session was convened were heard, discussed, or considered by the Board during the closed session. Supervisor Connolly seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor Hudgins being out of the room.

AGENDA ITEMS

69. **3 P.M. – BOARD DECISION ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 101 (SUBDIVISION ORDINANCE), CHAPTER 104 (EROSION AND SEDIMENTATION CONTROL), CHAPTER 112 (ZONING ORDINANCE), CHAPTER 118 (CHESAPEAKE BAY PRESERVATION ORDINANCE), AND THE PUBLIC FACILITIES MANUAL (PFM) REGARDING IMPLEMENTATION OF REVISIONS TO THE CHESAPEAKE BAY PRESERVATION AREA DESIGNATION AND MANAGEMENT REGULATIONS (9 VAC 10-20 ET SEQ.)** (Tapes 7-8)

- (O) (NOTE: At its May 19, 2003, meeting the Board held a public hearing on this item and deferred decision until June 2, 2003. At its June 2, 2003, meeting the Board deferred decision until July 7, 2003.)

Following an introductory statement and brief discussion, Supervisor Mendelsohn moved:

- Adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 118 (Chesapeake Bay Preservation Ordinance), as recommended by the Planning Commission, except as noted in the Board Agenda Item dated May 19, 2003.
- Adoption of the proposed amendments to the Code of the County of Fairfax:
 - Chapter 101 (Subdivision Ordinance)
 - Chapter 104 (Erosion and Sedimentation Control)
 - Chapter 112 (Zoning Ordinance)
 - PFM

as recommended by the Planning Commission with the exception of the change to the definition of “water body with perennial flow” dated July 7, 2003, as distributed to the Board, and that these amendments shall become effective at 12:01 a.m. of the day following the date that the Board adopts the map of Chesapeake Bay Preservation Areas. (The amendments to the Chesapeake Bay Preservation Ordinance are identified in the Board package as Planning Commission Recommendation dated May 7, 2003, and the amendments to the Subdivision Ordinance, the Erosion and Sedimentation Control Ordinance, the Zoning Ordinance, and the PFM dated April 15, 2003, as attached to the staff report dated May 19, 2003.)

Supervisor Connolly and Supervisor Hyland jointly seconded the motion.

Discussion ensued with input from John Friedman, Engineer III, Code Analysis Division, Office of Site Development Services (OSDS), Department of Public Works and Environmental Services (DPWES); Michelle Brickner, Director, OSDS, DPWES; and David P. Bobzien, County Attorney.

The question was called on the motion and it **CARRIED** by a recorded vote of nine, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor Mendelsohn, and Chairman Hanley voting “**AYE**,” Supervisor McConnell voting “**NAY**.”

Supervisor Mendelsohn moved that the Board adopt the Policy for “Treatment of Approved and Pending Plans of Development” dated July 7, 2003, and distributed to the Board (at 3 p.m.) for use in administering the provisions of the amended Chesapeake Bay Preservation Ordinance. Supervisor Connolly seconded the motion.

Supervisor Mendelsohn stated that the Policy is the same as the proposed Policy transmitted to the Board on May 30, 2003, from the County Executive, except that where the prior version refers to plats, plans, or building permits filed with DPWES prior to the effective date of the amendments, the language has been changed to require that such plats, plans, or building permits must be filed within 60 days from the date of adoption of the amendments (close of business, September 5, 2003) to be considered under the Policy.

Following discussion, with input from Ms. Brickner and Mr. Friedman, Supervisor Mendelsohn asked to amend the motion to delete the sentence, “An approved RPA boundary delineation protects a project only with respect to further identification of the RPA on site” as shown on page four, Section 7 of the “Treatment of Approved and Pending Plans of Development” dated July 7, 2003, at 3 p.m., and this was accepted.

Supervisor Mendelsohn asked to amend the motion to correct the spelling of “provisions,” in that section, and this was accepted.

Following further discussion, with input from Mr. Friedman, Supervisor Mendelsohn moved to defer action on this item until later in the meeting. Supervisor McConnell seconded the motion, which carried by unanimous vote.

(NOTE: Later in the meeting, the Board took additional action on this item. See Clerk's Summary Item CL#87.)

70. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES) ARTICLE 7, REGARDING CHANGES TO THE PARTIAL SERVICE-CONNECTED DISABILITY PROVISIONS OF THE POLICE OFFICERS RETIREMENT SYSTEM** (Tape 8)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of June 19 and June 26, 2003.

Following the public hearing, which included testimony by one speaker, discussion followed with input from Larry Swartz, Executive Director to the Retirement Administration Agency, and Peter Andreoli, Deputy County Attorney.

Supervisor Gross moved adoption of proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), Article 7, regarding changes to the partial service-connected disability provisions of the Police Officers Retirement System. Supervisor Bulova seconded the motion.

Further discussion ensued with input from Mr. Swartz.

Supervisor Kauffman asked to amend the motion to direct staff to request the Retirement Board review the entire partial versus full disability issue, and this was accepted.

The question was called on the motion, as amended, and it **CARRIED** by a vote of six, Supervisor Bulova, Supervisor Connolly, Supervisor Gross, Supervisor Kauffman, Supervisor McConnell, and Vice-Chairman Hyland voting “**AYE**,” Supervisor Hudgins voting “**NAY**,” Supervisor Frey, Supervisor Mendelsohn, and Chairman Hanley being out of the room.

Supervisor Gross stated that the effective date of the proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees) Article 7, regarding Changes to the Partial Service-Connected Disability Provisions of the Police Officers Retirement System is today, July 7, 2003.

71. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 4 (TAXATION AND FINANCE), RELATING TO FEES CHARGED TO PERSONS CONVICTED OF CERTAIN CRIMES AND OFFENSES** (Tape 8)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of June 19 and June 26, 2003.

Following the public hearing, Supervisor Connolly moved adoption of proposed amendments to the Code of the County of Fairfax, Chapter 4 (Taxation and

Finance), relating to fees charged to persons convicted of certain crimes and offenses. Supervisor Bulova seconded the motion and it carried by a vote of six, Supervisor Bulova, Supervisor Connolly, Supervisor Gross, Supervisor Hudgins, Supervisor McConnell, and Vice-Chairman Hyland voting "AYE," Supervisor Frey, Supervisor Kauffman, Supervisor Mendelsohn, and Chairman Hanley being out of the room.

72. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), ARTICLE 5A, RESIDENTIAL PERMIT PARKING DISTRICTS (RPPD) (Tape 8)**

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues June 19 and June 26, 2003.

Following the public hearing, which included testimony by two speakers, discussion ensued with input from Hamid Majdi, Transportation Planner, Department of Transportation (DOT), and Ellen Gallagher, Chief, Traffic Operations Section, DOT.

Vice-Chairman Hyland relinquished the Chair to Acting-Chairman Bulova and asked unanimous consent that the Board direct staff to report with a recommendation as to whether additional permits should be issued to a homeowner; if so, how many; and what sort of conditions the Board could impose.

Supervisor Connolly asked to amend the request to direct staff to examine extraordinary occasions such as parties, holidays, and so forth so that it is clear to the public. Without objection, the request, as amended, was so ordered.

Acting-Chairman Bulova returned the gavel to Vice-Chairman Hyland.

Supervisor Gross moved adoption of proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Article 5A, RPPD. Supervisor Bulova seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Kauffman, and Vice-Chairman Hyland voting "AYE," Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley being out of the room.

73. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2002-PR-025 (DSF/LONG METRO LLC) AND APPROVAL OF THE CONCEPTUAL DEVELOPMENT PLAN (PROVIDENCE DISTRICT) (Tape 8)**

Supervisor Connolly moved to defer the public hearing on Rezoning Application RZ-2002-PR-025 until **July 21, 2003, at 4 p.m.** due to a affidavit problem.

Supervisor Hudgins seconded the motion and it carried by a vote of seven, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley being out of the room.

PW:pw

74. **4 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 94-M-047 (SAUL SUBSIDIARY I LIMITED PARTNERSHIP) (MASON DISTRICT)** (Tape 9)

(NOTE: At its June 16, 2003, meeting the Board deferred the public hearing on this item until July 7, 2003.)

Supervisor Gross moved to defer the public hearing on Special Exception Amendment Application SEA 94-M-047 until **August 4, 2003, at 3 p.m.** Supervisor Connolly seconded the motion and it carried by a vote of six, Supervisor Frey, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley being out of the room.

75. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 7 (ELECTIONS), TO CHANGE THE NAMES OF THE POLLING PLACES FOR THE WALNUT HILL #1 AND WALNUT HILL #2 PRECINCTS (MASON DISTRICT)** (Tape 9)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues June 19 and June 26, 2003.

Following the public hearing, Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 7 (Elections), changing the names of the polling places for the Walnut Hill #1 and Walnut Hill #2 precincts from the Walnut Hill Center to the Alan Leis Instructional Center at Walnut Hill. Supervisor Connolly seconded the motion and it carried by a vote of six, Supervisor Bulova, Supervisor Connolly, Supervisor Gross, Supervisor Hudgins, Supervisor Kauffman, and Vice-Chairman Hyland voting "AYE," Supervisor Frey, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley being out of the room.

76. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING VEHICLE RENTAL ESTABLISHMENTS** (Tape 9)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues June 19 and June 26, 2003.

Following the public hearing, Supervisor Connolly moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding vehicle rental establishments. Supervisor Gross seconded the motion and it carried by a vote of six, Supervisor Bulova, Supervisor Connolly, Supervisor Gross, Supervisor Hudgins, Supervisor Kauffman, and Vice-Chairman Hyland voting "AYE," Supervisor Frey, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley being out of the room.

77. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING PORTABLE SIGNS** (Tape 9)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues June 19 and June 26, 2003.

Following the public hearing, discussion ensued with input from Dolores M. Kinney, Assistant to the Zoning Administrator, Ordinance Administration Branch (OAB), Zoning Administration Division (ZAD), Department of Planning and Zoning (DPZ), and Lorrie Kirst, Deputy Zoning Administrator, OAB, ZAD, DPZ.

Supervisor Frey moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding portable signs as recommended by the Planning Commission, Option 2. Supervisor Connolly seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor McConnell being out of the room.

78. **4 P.M. – PH ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 10619 ROSEHAVEN STREET (PROVIDENCE DISTRICT)** (Tape 9)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues June 19 and June 26, 2003.

Supervisor Connolly moved to defer the public hearing on Spot Blight Abatement Ordinance for 10619 Rosehaven Street indefinitely. Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Hudgins and Supervisor McConnell being out of the room.

79. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 68.1 (INDIVIDUAL SEWAGE DISPOSAL FACILITIES)** (Tape 9)

(O) (NOTE: At its May 19, 2003, meeting the Board deferred the public hearing on this item until July 7, 2003.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues June 19 and June 26, 2003.

Following the public hearing, which included testimony by one speaker, discussion ensued with input from Glenn L. Smith, Program Manager, Department of Health, Division of Environmental Health, and Dennis A. Hill, Director, Division of Environmental Health.

Supervisor Frey moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 68.1 (Individual Sewage Disposal Facilities). Supervisor Hyland seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hyland, Supervisor McConnell, and Chairman Hanley voting "AYE," Supervisor Hudgins, Supervisor Kauffman, and Supervisor Mendelsohn being out of the room.

80. **4:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 96-Y-011 (OGELTHORPE LIMITED PARTNERSHIP) (SULLY DISTRICT)** (Tape 9)

Supervisor Frey moved to defer the public hearing on Special Exception Amendment Application SEA 96-Y-011 until **July 21, 2003, at 3:30 p.m.** Supervisor Connolly seconded the motion and it carried by a vote of seven, Supervisor Hudgins, Supervisor Kauffman, and Supervisor Mendelsohn being out of the room.

81. **4:30 P.M. – PH ON REZONING APPLICATION RZ 2002-MA-045 AND SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 84-M-069 (OAK STREET BUILDERS, LLC) (MASON DISTRICT)** (Tape 9)

(NOTE: At its June 16, 2003, meeting the Board deferred the public hearing on this item until July 7, 2003.)

Supervisor Gross moved to defer the public hearing on Rezoning Application RZ 2002-MA-045 and Special Exception Amendment Application SEA 84-M-069 until **July 21, 2003, at 3 p.m.** Supervisor Connolly seconded the motion and it carried by a vote of eight, Supervisor Hudgins and Supervisor Kauffman being out of the room.

82. **4:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 93-D-018-2 (THEODORE B. SIMPSON, PRES., SPRINGHILL SERVICES, INCORPORATED) (DRANESVILLE DISTRICT)** (Tape 9)

Supervisor Mendelsohn moved to defer the public hearing on Special Exception Amendment Application SEA 93-D-018-2 indefinitely. Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor Hudgins and Supervisor Kauffman being out of the room.

83. **5 P.M. – PH ON PROPOSED OUT-OF-TURN PLAN AMENDMENT S03-II-F1 FOR UNITS L2, L3, AND L4 OF THE MERRIFIELD SUBURBAN CENTER, LOCATED SOUTHWEST OF ARLINGTON BOULEVARD (ROUTE 50) AND WILLIAMS DRIVE (PROVIDENCE DISTRICT)** (Tape 9)

Supervisor Connolly moved to defer the public hearing on Out-of-Turn Plan Amendment S03-II-F1 until **July 21, 2003, at 3 p.m.** Supervisor Mendelsohn seconded the motion and it carried by a vote of eight, Supervisor Hudgins and Supervisor Kauffman being out of the room.

84. **4:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 85-M-086 (RADLEY AUTOMOBILES, INCORPORATED, D/B/A RADLEY ACURA) (MASON DISTRICT)** (Tape 9)

The application property is located at 5823 Columbia Pike, Tax Map 61-2 ((1)) 103A and 105 and a portion of Columbia Pike public right-of-way (service drive) to be abandoned.

Mr. William B. Lawson, Jr. reaffirmed the validity of the affidavit for the record.

Supervisor Gross disclosed the following campaign contribution which she had received:

- In excess of \$200 from Ms. Karen Radley

Mr. Lawson had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, Tracy Swagler, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Gross moved:

- Approval of Special Exception Amendment Application SEA 85-M-086, subject to the development conditions dated June 27, 2003.
- Approval of a waiver of the open space to that noted in the development conditions.
- Modification of the transitional screening and waiver of the barrier on the southern boundary of parcel 105, in favor of that shown on the SEA Plat and as conditioned.
- Approval of a parking structure of 20 percent in accordance with Section A7-209 of the Zoning Ordinance.

Supervisor Connolly seconded the motion and it carried by a vote of nine, Supervisor Hudgins being out of the room.

85. **5 P.M. – PH ON PROPOSED OUT-OF-TURN PLAN AMENDMENT S03-II-F1 FOR UNITS L2, L3, AND L4 OF THE MERRIFIELD SUBURBAN CENTER, LOCATED SOUTHWEST OF ARLINGTON BOULEVARD (ROUTE 50) AND WILLIAMS DRIVE (PROVIDENCE DISTRICT)** (No Tape)

(NOTE: Earlier in the meeting, this hearing was deferred. See Clerk's Summary Item CL#83.)

86. **5 P.M. – PH ON THE PROPOSED CONVEYANCE OF COUNTY-OWNED PROPERTY TO THE PETERSON COMPANIES, LC, A VIRGINIA LIMITED LIABILITY COMPANY, OR ITS ASSIGNEE OR DESIGNEE (SPRINGFIELD DISTRICT)** (Tape 9)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues June 19 and June 26, 2003.

Following the public hearing, Robert A. Stalzer, Deputy County Executive, outlined the basic terms of the conveyance.

Supervisor McConnell moved:

- Conveyance of County-owned property to Peterson, or its assignee or designee, pursuant to the real estate sales agreement made available to the Board.

- The Department of Planning and Zoning to expeditiously accept and process proffered condition amendment conceptual/final development plan amendment applications by The Peterson Companies for Land Bay A.
- Staff to schedule a public hearing to be held before the Board on the proffered condition amendment and conceptual development plan amendment portions of the applications for the first hearing date in January 2004.
- The Planning Commission to set its hearing date on a date prior to the Board hearing date that will facilitate and accomplish the Board hearing as scheduled.
- The Department of Public Works and Environmental Services to accept the associated site and subdivision plans for processing concurrent with the applications.

Supervisor McConnell noted that this motion does not relieve the applicant from complying with all regulations, ordinances, or adopted standards and does not predetermine or prejudice a consideration of the zoning application or engineering plans in any way.

This motion, the second to which was inaudible, carried by a vote of nine, Supervisor Mendelsohn being out of the room.

87. **3 P.M. – BOARD DECISION ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 101 (SUBDIVISION ORDINANCE), CHAPTER 104 (EROSION AND SEDIMENTATION CONTROL), CHAPTER 112 (ZONING ORDINANCE), CHAPTER 118 (CHESAPEAKE BAY PRESERVATION ORDINANCE), AND THE PUBLIC FACILITIES MANUAL REGARDING IMPLEMENTATION OF REVISIONS TO THE CHESAPEAKE BAY PRESERVATION AREA DESIGNATION AND MANAGEMENT REGULATIONS (9 VAC 10-20 ET SEQ.)** (Tapes 9-10)

(P) (NOTE: Earlier in the meeting, the Board took action on this item and deferred further action. See Clerk's Summary Item CL#69.)

Supervisor Mendelsohn reiterated the pending motion as adoption of the Policy for "Treatment of Approved and Pending Plans of Development" dated July 7, 2003, as distributed to the Board (at 3 p.m.), and subsequently amended to delete the second sentence of (7) "An approved RPA boundary delineation protects a project only with respect to further identification of the RPA on site" and correct the spelling of provisions in section (7)(i), for use in administering the provisions of the amended Chesapeake Bay Preservation Ordinance.

Following discussion, the question was called on the motion, which carried by unanimous vote.

Supervisor Mendelsohn moved that the Board direct the staff of the Office of Public Affairs and Department of Public Works and Environmental Services to develop and introduce a public information campaign that will be ready for dissemination as soon as possible. This public information campaign shall include, but not be limited to, the following:

- Preparation of a brochure.
- A list of frequently asked questions about the impact of the ordinance on businesses and homeowners.
- A program on Channel 16, which can be reproduced and made available for use by individuals and homeowners associations.
- An easily accessible location on the County website which can be frequently updated. All campaign elements should include references to the statutory requirements of the Chesapeake Bay Act.

Supervisor Connolly and Supervisor Kauffman jointly seconded the motion.

Following discussion, with input from Merni Fitzgerald, Director, Office of Public Affairs, the question was called on the motion, which carried by unanimous vote.

Following further discussion, Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved that the Board direct staff to provide the following at the next meeting:

- Language to advertise an Intensely Developed Area (IDA) or an equivalent way to address those kinds of areas.
- Applicable criteria for the consideration and possible adoption of an IDA or overlay.
- Criteria for discussion and mapping of those areas as well as what areas should be included.

Supervisor Connolly seconded the motion.

Chairman Hanley further moved that the Board direct staff to provide the above language at the next meeting for a public hearing to be scheduled before the Board on November 17, 2003, when the Board considers the final map. Supervisor Connolly seconded the motion.

Following discussion, the question was called on the motion, which carried by a unanimous vote.

Vice Chairman Hyland returned the gavel to Chairman Hanley.

Discussion continued briefly.

88. **BOARD ADJOURNMENT** (Tape 10)

At 6:05 p.m., the Board adjourned.

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